



Molly C. Dwyer  
Clerk of Court

Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
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**FILED**

AUG 23 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**DOCKETING NOTICE**

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Docket Number: 24-5200  
Originating Case Number: 1:20-cv-00052-SPW

Short Title: Caekaert, et al. v. Watchtower Bible and Tract Society of  
New York, Inc., et al.

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Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Motions filed along with the notice of appeal in the district court are not automatically transferred to this court for filing. Any motions seeking relief from this court must be separately filed in this court's docket.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

**Failure of the appellant to comply with the time schedule order may result in dismissal of the appeal.**

**Please read the enclosed materials carefully.**



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### **TIME SCHEDULE ORDER**

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**Wednesday, August 28, 2024**

Philip Brumley

Mediation Questionnaire due

**Wednesday, October 2, 2024**

Philip Brumley

Appeal Opening Brief (No Transcript Due)

**Friday, November 1, 2024**

Tracy Caekaert

Appeal Answering Brief (No Transcript Due)

Camillia Mapley

Appeal Answering Brief (No Transcript Due)

If there were reported hearings, the parties shall designate and, if necessary, cross-designate the transcripts pursuant to 9th Cir. R. 10-3. If there were no reported hearings, the transcript deadlines do not apply.

The optional reply may be filed within 21 days of service of the answering brief. See Fed. R. App. P. 31 and 9th Cir. R. 31-2.1.

**Failure of the appellant to comply with the time schedule order may result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.**

No. 24-5200

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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TRACY CAEKAERT and CAMILLIA MAPLEY,  
*Plaintiffs-Appellees,*

v.

PHILIP BRUMLEY,  
*Appellant,*

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;  
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA,  
*Defendants.*

On appeal from the United States District Court  
District of Montana No. CV-20-52-BLG-SPW  
The Honorable Susan P. Watters

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**UNOPPOSED MOTION TO CONSOLIDATE THIS APPEAL  
WITH EFFECTIVELY IDENTICAL APPEAL NO. 23-35330**

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*Attorneys for Appellant Philip Brumley*

### Unopposed Motion to Consolidate Appeals

Appellant Philip Brumley respectfully requests that the Court consolidate this appeal (24-5200) with the essentially identical appeal also filed by Mr. Brumley and docketed as *Rowland, et al v. Watch Tower Bible & Tract Society of Pennsylvania, et al.*, No. 24-5196. This Court previously granted Mr. Brumley's request to consolidate his prior two identical appeals (23-35329 and 23-35330).

Mr. Brumley's two appeals arise from two nearly identical orders that awarded sanctions against him in two technically separate but related (effectively identical) cases pending before the same district judge. The district court cases are identical from a procedural prospective, and the appeals are also procedurally identical—brought by the same third-party (Mr. Brumley), involving the same counsel for both the Appellant and Appellees, and involving the same legal issue.

As a matter of convenience to the Court and the parties, Mr. Brumley moves to consolidate these appeals for purposes of the record, briefing, oral argument, and decision. Consolidation of related appeals should occur “whenever feasible.” Fed. R. App. Proc. 3(b)(2) Advisory Committee Note (1967). Consolidated briefing, argument, and decision will streamline these two appeals and will conserve party and Court resources. Proceeding with these appeals separately would be inefficient because the parties would need to file duplicative excerpts of record and briefing, different panels of judges may have to become familiar with the same set of facts and arguments, and inconsistent decisions could be reached.

Appellees in both cases do not oppose consolidation.

August 26, 2024

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: s/Benjamin G. Shatz

*Attorneys for Appellant*

Philip Brumley

# UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

## Form 7. Mediation Questionnaire

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>

<b>9th Cir. Case Number(s)</b>	24-5196; 24-5200
<b>Case Name</b>	Tracy Caekaert, et al. v. Watch Tower Bible and Tract Society of Pennsylvania
<b>Counsel submitting this form</b>	Benjamin G. Shatz
<b>Represented party/parties</b>	Appellant Philip Brumley

*Briefly describe the dispute that gave rise to this lawsuit.*

The underlying lawsuits involve claims by Plaintiffs-Appellees for negligence and negligence per se against Defendants Watchtower Bible and Tract Society of New York, Inc. ("WTNY") and Watch Tower Bible and Tract Society of Pennsylvania ("WTPA"), which are both non-profit religious entities that provide services for the religion known as Jehovah's Witnesses. Plaintiffs-Appellees' claims are based on allegations that they were sexually abused during the 1970s and 1980s when they attended the Congregation of Jehovah's Witnesses in Hardin, Montana, and that the Defendants failed to investigate, report, and/or prevent their abuse.

In June 2020, WTPA responded to the complaints in both cases by filing a Motion to Dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2) (Doc. 13/Doc. 9). In support, WTPA filed two affidavits by Appellant Philip Brumley ("Brumley"), its General Counsel, which included statements with examples of WTPA's functions, about its lack of contacts with the state of Montana, and addressing certain documents filed by Plaintiffs-Appellees in opposition to the motion (Doc. 14-1/Doc. 10-1; Doc. 26/Doc. 18-1). After approximately 14 months of jurisdictional discovery, as ordered by the District Court, Plaintiffs-Appellees demanded that WTPA withdraw its Motions to Dismiss, which it did on November 5, 2021 (Doc. 94/Doc. 84).

Plaintiffs-Appellees then filed a Motion for Sanctions against Brumley in each case based on his affidavits pursuant to 28 U.S.C. § 1927 and the Court's inherent authority (Doc. 101/Doc. 90).

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

*Briefly describe the result below and the main issues on appeal.*

The District Court granted Plaintiffs-Appellees' Motion for Sanctions for both cases under 28 U.S.C. § 1927 (Doc. 135/Doc. 120) and imposed sanctions against Brumley, a non-party corporate officer of WTPA who has never appeared as counsel of record in the underlying cases, in the amount of \$154,448.11 (Doc. 219/Doc. 175).

The parties settled the underlying litigation and entered final judgment on August 9, 2024.

The main issues on appeal are whether the District Court correctly applied 28 U.S.C. § 1927 against Brumley, and whether it correctly determined that his affidavit statements warranted sanctions under 28 U.S.C. § 1927 in the amount of \$154,448.11.

Mr. Brumley previously appealed the sanctions orders, and this Court dismissed those appeals (23-35329 & 23-35330) as premature.

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

There are no further proceedings remaining below nor any related proceedings in other tribunals.

**Signature**

**Date**

(use "s/[typed name]" to sign electronically-filed documents)